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UNITED STATE DISTRICT COURT

DISTRICT OF NEVADA

KYLE MITRIONE and
KAROLINA MELSKA, H/W,

Plaintiffs,

vs.

CIRQUE DU SOLEIL AMERICA NEWCO,
INC., CIRQUE DU SOLEIL NEVADA
NEWCO, INC., CIRQUE DU SOLEIL
VEGAS, LLC, CIRQUE DU SOLEIL
HOLDING USA NEWCO, INC., CIRQUE
APPLE LAS VEGAS, LLC, CIRQUE APPLE
ADMINISTRATION, LLC, DOES I
THROUGH X, AND ROE CORPORATIONS
I THROUGH X,

Defendants.

Case No. 2:24-cv-00916-CDS-BNW

**STIPULATION AND ORDER TO MODIFY THE PROPOSED DISCOVERY PLAN AND
SCHEDULING ORDER TO EXTEND DISCOVERY PLAN DEADLINES
(FIRST REQUEST)**

Plaintiffs Kyle Mitrione and Karolina Melska and Defendants CIRQUE DU
SOLEIL AMERICA NEWCO, INC., CIRQUE DU SOLEIL NEVADA NEWCO, INC.,
CIRQUE DU SOLEIL VEGAS, LLC, CIRQUE DU SOLEIL HOLDING USA NEWCO,
INC., CIRQUE APPLE LAS VEGAS, LLC, CIRQUE APPLE ADMINISTRATION, LLC,
STIPULATION AND ORDER TO MODIFY THE PROPOSED DISCOVERY PLAN AND SCHEDULING
ORDER

1 by and through their respective counsel, and pursuant to Local Rule 26-4, and via this
2 First Request stipulate to modify their proposed discovery plan as follows:

3 1. Plaintiffs filed their Complaint on April 29, 2024 in the Eighth Judicial
4 District Court, Clark County, Nevada

5 2. Defendants removed the matter to this court on May 15, 2024.

6 3. Defendants filed Motion to Dismiss on May 17, 2024 – pending (ECF 6) .

7 4. Defendants filed Motion for More Definite Statement on May 20, 2024
8 (ECF 8)

9 5. Defendants filed Motion to Stay Discovery on July 31, 2024.

10 6. Counsel for the parties conducted a Fed. R. Civ. P. 26(f) conference on
11 August 7, 2024. The parties submitted their Joint Discovery Plan and Scheduling Order
12 to the Court on August 7, 2024, along with Request for Special Scheduling Review. [38]
13 The Court has not yet approved the parties' discovery plan nor request for Special
14 Scheduling Review.

15 7. The parties are only seeking to extend the date for FRCP 26 Initial
16 Disclosures from August 19, 2024 to September 18, 2024, all other proposed dates to
17 remain the same. Initial proposed dates. [ECF 38]

18 A. Initial proposed dates. [ECF 38]

19 1. Discovery Cut-Off: November 25, 2025

20 2. Filing Motions to Amend: August 7, 2025

21 3. Initial Expert Disclosure: September 8, 2025

22 4. Rebuttal Expert Disclosure: October 8, 2025

23 5. Last Day to Extend Discovery November 4, 2025

24 6. Dispositive Motions: December 5, 2025

25 7. Pre-Trial Order: January 5, 2026

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27
28 STIPULATION AND ORDER TO MODIFY THE PROPOSED DISCOVERY PLAN AND SCHEDULING
ORDER

1 The parties have requested that the court review the matter for special
2 scheduling. The matter is extremely complex. The Plaintiffs are bringing a claim for
3 personal injuries. Plaintiff Kyle Mitrione sustained catastrophic injuries. Plaintiff's
4 special damages are in excess of \$2 million and are anticipated to increase. Plaintiff is
5 still receiving medical treatment for injuries sustained as a result of the subject incident,
6 and will continue to receive treatment for the foreseeable future. There will be at least
7 50 medical providers. The number of witnesses will be in the hundreds, as Defendants
8 will be disclosing all entities and persons involved in the concept, design and rehearsal
9 of the performance in which Plaintiff was injured. There will also be at least 20 experts
10 for each side. The number of documents will be in the thousands due to the intricacies
11 of the Defendants' show.

12
13 **(a) Reasons why discovery was not completed:**

14 The parties have taken steps to move discovery forward. However, Plaintiff
15 Mitrione suffered a catastrophic injury. Additionally Defendants initial list of witnesses
16 will be in excess of 200, and the total number of documents will be in the hundreds due
17 to the complexities of the performance.

18 **(d) Proposed Schedule:**

19 The parties propose a 30-day extension as to FRCP 26 Initial Disclosures.
20

21 **CONCLUSION**

22 For the foregoing reasons, the parties herein respectfully request this Honorable
23 Court to modify the Proposed Discovery Plan to extend FRCP Initial Disclosures by 30
24 days to September 18, 2024

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28 STIPULATION AND ORDER TO MODIFY THE PROPOSED DISCOVERY PLAN AND SCHEDULING
ORDER

Approved as to form and content:

SALTZ MONGELUZZI BENDESKY

/s/ Michael A. Budner

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/s/ Michael C. Mills

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Attorney for Defendants

ORDER

IT IS SO ORDERED.

DATED: August 21, 2024


UNITED STATES MAGISTRATE JUDGE

STIPULATION AND ORDER TO MODIFY THE PROPOSED DISCOVERY PLAN AND SCHEDULING
ORDER